

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Gregory Ford, Hope Ford, and
Veronica Ford,

Plaintiffs,

v.

Case No. 08-10831

Honorable Sean F. Cox

Sentry Insurance, a Mutual
Company,

Defendant.

ORDER OF DISMISSAL FOR FAILURE TO PROSECUTE

Plaintiffs filed this action in state court on or about February 7, 2008. Defendant removed the action to this Court on February 28, 2008.

On June 26, 2008, Defendant filed a “Motion to Dismiss for Failure to Comply with Court Order and Failure to Prosecute” (Docket Entry No. 13).

Pursuant to Rule 7.1(b) of the Local Rules for the United States District Court for the Eastern District of Michigan, a “respondent opposing a motion must file a response, including a brief and supporting documents then available.” Rule 7.1(d) further provides that a response to a dispositive motion must be filed within 21 days after service of the motion. Rule 7.1(e)(2) provides that oral hearings on motions will be heard “unless the judge at any time prior to the hearing orders their submission and determination without oral hearing on the briefs filed as required by this rule.”

Thus, if Plaintiffs opposed Defendant’s pending Motion, Plaintiffs were required to file a brief in opposition to same within 21 days of service of the motion. Although the time permitted under Local Rule 7.1 for filing a response to the pending motion has passed, to date, no response

brief in opposition to the pending motion has been filed by Plaintiffs.

Because Plaintiffs are proceeding *pro se*, on August 18, 2008, this Court issued an Order to Show Cause that ordered Plaintiffs to show cause, in writing, no later than **August 28, 2008**, why the unopposed pending Motion to Dismiss based upon failure to prosecute should not be granted. (Docket Entry No. 14). In that Order, the Court expressly cautioned Plaintiffs that failure to timely respond to the Show Cause Order shall result in the dismissal of this action for failure to prosecute. (*Id.*).

Nevertheless, Plaintiffs failed to respond to either the pending motion or this Court's Show Cause Order and the time for doing so has passed.

Accordingly, **IT IS ORDERED** that this action is hereby **DISMISSED** for failure to prosecute, pursuant to FED. R. CIV. P. 41.

IT IS SO ORDERED.

S/ Sean F. Cox
Sean F. Cox
United States District Judge

Date: September 2, 2008

I hereby certify that on September 2, 2008, a copy of the foregoing document was served upon counsel of record by electronic means and by First Class Mail upon:

Gregory, Hope and Veronica Ford
6401 Cecil Drive,
Flint, MI 48505

S/ Jennifer Hernandez
Case Manager